1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

642 671 mon; it is prohibited by the written laws. An attempt was made in 1840 to abolish a custom giving to the relations of a husband on his death the power of keeping the widow secluded and forbidding her second marriage for a period of four years. They attempted to restrict the period to 12 months, but the people would not listen to it and the council yielded to the public voice and repealed the law in 1841." [1]

PROPERTY

421 So many old Creek customs, usages, and laws have become lost or obscured that it is difficult to reconstruct the primitive system with any certainty from what is remembered at the present day. With regard to property it is to be noted that two strong influences constantly operated to dilute the sense of individual ownership. These influences were the powerful kinship system and the abundance and accessibility of all of those things—or the raw materials of those things—necessary in aboriginal life. The value which we attach to things is dependent to a very considerable extent on the ease with which we can replace them.

[574] As was usual among primitive people, strangers were provided with food and a place to sleep gratis. This might be in the community hot house, or, after the clan of the visitor had been revealed, in the home of some man married into that clan. Regarding chattels we could wish the information from these Indians were more specific. Adair "observed with much inward satisfaction the community of goods that prevailed among them" but he immediately begins to speak of their hospitality in the matter of food and shelter which is quite a different matter.[2] Bartram says:

"Now, although it appears that these people enjoy all the advantages of freedom and private property, and have laws, usages, and customs, which secure each one his rights according to reason, justice, and equality, the whole tribe seems as one family or community, and, in fact, all their possessions are in common; for they have neither locks nor bars to their doors, and there is a common and continual intercourse between the families of a tribe; indeed, throughout the Confederacy, they seem as one great family, perfectly known and acquainted with each other whenever they meet.

426 431 "If one goes to another's house and is in want of any necessary that he or she sees, and says, I have need of such a thing, it is regarded only as a polite way of asking for it, and the request is forthwith granted, without ceremony or emotion; for he knows he is welcome to the like generous and friendly return at any time . . ." [3]

If Bartram could have examined actual conditions more intimately he would probably have found that this exchange took place

[1] Hitchcock, Ms. notes.
[2] Adair, Hist. Am. Inds., p. 17.
[3] Bartram, Trans. Am. Eth. Soc., vol. III, p. 41.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

almost entirely between members of the same clan or members of linked clans or else between individuals connected by marriage. It is not to be supposed that we have here a case of real communism in chattels. Part of it was nothing more than borrowing, and another part a borrowing of a different kind in which equivalent values were exchanged instead of identical objects. From my own experience with Indians I think it is safe to assume that every family was pretty acutely conscious of its credit or debit as regards every other family, and that a persistent "sponge" was looked down upon and avoided. That there were such "sponges" we know from Stiggins, who says:

"If it (hospitality) is beneficial in keeping the traveler and stranger from hunger and starvation, it keeps a great many of their town people of men and women sauntering from door to door in loafing idleness; if no one will cloathe them, they are perfectly satisfied for every house will feed them."[4]

Adair gives an amusing account of the skill with which one Indian parried the appeal of another for a certain service.[5] The sense of individual ownership was by no means wanting; only for the reasons above given it did not always appear so keenly developed as with us. Social usage had sanctioned a method of exchange comparatively unknown to Europeans and had given a definite "set" to the instinct of private ownership, not abolished it. Indeed, elsewhere Bartram himself says:

"All that a man earns by his labor or industry belongs to himself; he has the use and disposal of it according to the custom and usages of the people. He may clear, settle, and plant as much land as he pleases, and wherever he will within the boundaries of his tribe."[6]

Debts, which probably had nothing to do with this social exchange, were also recognized. Adair remarks that "when they are able, without greater damage to themselves, than benefit to their creditor, they discharge their honest debts." And he adds that when differences arose over such matters they were settled by "the head Archimagus, and his old beloved men," and that a creditor could seize property of the debtor to the amount due him.[7] Both Creeks and Seminole formerly had a high reputation among the white people for punctuality in the payment of their debts.[8] In this particular civilization has not worked for their betterment. Writing in the middle of the nineteenth century Eakins says of them: "Obligations, in regard to debt, are considered binding. Time does not diminish these obligations among the Creeks. The Indian does not consider ill-luck in hunting, as exonerating him from paying his debts."[9]

[4] Stiggins, MS.
[5] Adair, Hist. Am. Inds., pp. 394-395.
[6] Bartram in Trans. Am. Eth. Soc., vol. III, p. 37.
[7] Adair, op. cit., p. 422.
[8] Schoolcraft, Ind. Tribes, vol. I, p. 272.
[9] Ibid., p. 322.